

Attachment 1

A. Summary of 2018-19 Accomplishments within each of the 2018 Regional Enforcement Priority Categories

As part of the 2019 review of enforcement priorities, and in preparation for a presentation to the Board, staff reviewed accomplishments over the past year in each of the 2018 enforcement priority areas, and prepared the following summary, by enforcement priority category.

1) **Prioritize and pursue enforcement cases for discharge violations associated with site development and use for cannabis cultivation.**

Discussion: Staff have discussed with the Board, at various past meetings, the challenges of building and implementing a new program that involves potentially tens of thousands of landowners and residents within the North Coast Region. Even with the relatively small percentage of total sites that are enrolled in the Cannabis Program, or that staff visit through warrant inspections each year, our staff resources are often stretched to and beyond capacity, and our enforcement outputs have been low relative to the number of water quality violations observed. However, over this past year, we have improved Cannabis Program inspection report tracking and oversight, we have developed inspection report templates, and we have delegated authority to senior level staff to transmit inspection reports either under a neutral cover letter or a Notice of Violation (NOV). Creating this pathway for timely issuance of inspection reports has allowed us to review and make improvements to the overall inspection report process, and has allowed us to take timely initial enforcement on sites with water quality violations. As staff are inspecting sites, they are advising their supervisors and the enforcement coordinator as to whether formal enforcement appears warranted, allowing us to prioritize sites for progressive enforcement if our initial NOV fails to get results.

Transmittal letters and NOVs for unenrolled sites also include enrollment enforcement provisions. For those sites that are enrolled, cannabis regulatory staff performed various mass mailings over the year to urge transition from the regional to the statewide cannabis general order. We also have several formal enforcement actions underway that will be reported in future Enforcement Reports.

2) **Identify, prioritize, and pursue enforcement cases for discharge violations associated with agricultural activities other than cannabis cultivation.**

Discussion: Over the past year, there have been a number of progressive enforcement actions associated with non-cannabis agricultural sites. On August 2, 2019, the State and Regional Water Board and Rhys Vineyards LLC reached a settlement agreement in the amount of \$3.8 million to settle violations

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associated with sediment discharges and dredge/fill in surface waters caused by and resulting from vineyard development and road construction/reconstruction. This enforcement stemmed from observations made during a 2015 inspection. Further, staff are currently investigating violations associated with unauthorized waste discharges and dredge/fill in surface water associated with vineyard development, stemming from observations made by staff during a January 2019 inspection. Additionally, over the past year, staff issued various notices of violation (NOVs) and several investigative orders to address violations at agricultural facilities in the region. Enforcement Unit staff continue to work with staff from other divisions to identify opportunities to increase our enforcement support for water quality violations from agricultural sites.

3) **Pursue non-filers under all our applicable regulatory programs.**

Discussion: Most of our enforcement actions on non-filers over the past year consisted of NOVs or enrollment enforcement notifications issued by staff of our Nonpoint Source and Surface Water Protection Division, NPDES Unit, and, as mentioned above, individual notifications to owners of sites we have inspected where cannabis is being cultivated at a scale requiring enrollment under the statewide cannabis general order. In addition, as noted above, in our cannabis program, staff have conducted multiple mass mailings to notify enrollees under the regional cannabis order of the need to transition enrollment to the statewide cannabis general order; a precursor to formal enrollment enforcement for all cultivators who continue to cultivate cannabis but have failed to transition their enrollment.

4) **Take timely follow-up enforcement, including progressive enforcement and/or penalty assessment, where appropriate, on missed deadlines for all active enforcement orders.**

Discussion: This type of enforcement pertains to facilities and dischargers subject to existing regulatory orders and enforcement actions, which requires in part that we effectively record and track milestones and deadlines. Much of the effort by staff over the past year in this category has been associated with building infrastructure (an internal tracking database), and in improving our timeliness and thoroughness in entering enforcement milestones and deadlines into the California Integrated Water Quality System (CIWQS) for enforcement actions taken/issued. Our enforcement unit staff have been brushing up their skills (or learning new skills) in working with CIWQS, and have been reviewing past enforcement actions, entering them into CIWQS if they are not there already, and in cleaning up or improving existing information in CIWQS. In addition, enforcement and core regulatory staff have identified and/or resumed work on a number of past enforcement cases where deadlines were missed, and cleanup/pollution prevention work stalled.

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We expect that enforcement unit staff and management will continue to work together over this coming year on making improvements to existing processes as needed to allow us to more quickly identify and take action on missed deadlines.

5) **Scale up regulatory oversight and enforcement for violations of NPDES stormwater permits.**

Discussion: Over the past year our plan to scale up regulatory oversight and enforcement for violations of NPDES stormwater permits has been extremely successful even as we have undergone nearly a complete turnover of the staff and management of our NPDES stormwater program. However, through all of this, we also built an interdisciplinary group of staff from our cleanups, cannabis, and enforcement units to serve as a storm water rapid deployment team. Through their work over the past year, we identified and inspected a total of 115 sites/facilities including many of the highest risk sites enrolled under the industrial and construction general storm water permits. During these inspections, we identified significant water quality violations at various enrolled sites and facilities. We are currently investigating and pursuing formal enforcement action at three sites/facilities for alleged violations of the NPDES stormwater permits. Now, with the storm water positions in our NPDES Unit all filled, we expect to increase our regulatory oversight and enforcement for violations of the stormwater permits on both enrolled sites/facilities and non-filers.